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A.P.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64574

Hirobumi AOKI, et al.

RECEIVED

Appln. No.: 09/869,142

OCT 28 2002

Group Art Unit: 1652

Confirmation No.: 1209

TECH CENTER 1600/2900

Examiner: C. L. Fronda

Filed: June 26, 2001

For: NOVEL RHODOCOCCUS BACTERIUM, NITRILASE GENE, NITRYL HYDRATASE GENE AND AMIDASE GENE FROM RHODOCOCCUS BACTERIUM, AND PROCESS FOR PRODUCING CARBOXYLIC ACIDS USING THEM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement, dated September 27, 2002, Applicants elect **Group II**, claims 8-11 for examination. This election is made **without traverse**.

Applicants note that under 35 U.S.C. §103(b)(1), a biotechnological process using a composition of matter that is novel under §102 and nonobvious under §103(a) shall be considered nonobvious if claims to the process and the composition of matter are contained in the same application.

Therefore, Applicants request that if claims 8-11, directed to a microorganism, are allowed, that claims to the method of using the bacterium (claims 1-7) be rejoined and held allowable under 35 U.S.C. §103(b)(1).

Applicant reserves the right to file a Divisional Application directed to non-elected claims 1-7 and 12-58.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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